

claimed product is capable of being rolled before donning. No new matter is believed to be entered by the above amendment.

New dependent Claims 107-109, 111-113, 115-117, and 119-121 are supported at page 13, lines 14ff, Figure 7, Figure 9, the sentence bridging pages 15 and 16, page 23 (top), page 28, line 17, and in the original claims. No new matter is believed to be entered by the above amendment.

### REMARKS

Claim 97 is cancelled. Claims 75 and 92 are amended. Claims 106-121 are newly added. Claims 75-78, 80, 83-96, and 98-121 are pending. Favorable consideration is respectfully requested in light of the following remarks.

The rejections of Claims 75-78, 80, and 83-105 under 35 U.S.C. § 102(b) and/or § 103(a) over Norman, Lerman, and/or SU 1739990 (SU'990) alone, or in any combination thereof, are believed to be obviated by the above amendment. Further, these references, alone or taken together, fail to disclose or suggest the claimed invention as clarified by the following remarks.

Norman (GB 2213380A) describes, at best, a stump protective cover composed of a film of polytetrafluoroethylene (PTFE). In Norman's stump protective cover, the film is formed to the profile of the stump and then inserted into an outer sock and in one embodiment may be sewn or attached to the outer sock (see Figures 1-3 and pages 3-4). However, Norman does not describe a cushion liner which is coated seamlessly only on the inside thereof with a nonporous polymeric material (see Claim 75 and the claims dependent on Claim 75) nor a cushion liner which is coated seamlessly only on the inside thereof with a nonporous polymeric material and which has a thickness profile as claimed in Claim 92 (and

the claims dependent on Claim 92). In fact, Norman teaches away from coating its fabric with nonporous polymeric material by disclosing that the sock contains a “microporous expanded PTFE” (See the paragraph bridging page 1 and page 2) that may be “pre-laminated to a suitable thermoplastic (such as knitted nylon, acrylic or polyester fibres)” (See page 4, lines 14-16) so that it is “capable of transmitting water” (see top of page 2) and “absorbs perspiration which has passed as water vapor through the membrane cover” (see top of page 5).

It should be noted that the Office relies on Norman at page 4, lines 12-16, to support its position that the pre-formed membrane coats the absorbent fabric seamlessly. However, Applicants respectfully submit that this reliance is misguided for the following reason. There is no suggestion whatsoever in Norman to coat a fabric stump only on the inside seamlessly. In fact, the Office relies on the disclosure of the present invention in order to supply motivation to alter the invention disclosed by Norman towards the claimed invention. This is clearly improper according to a recent decision by the U.S. Federal Courts in In re Lee. The Lee Court indicates that the Office must provide specific motivation, hint, or suggestion, found in the references relied upon to support a *prima facie* case of obviousness. In the present case, the Office relies on the present specification for motivation, which is clearly forbidden according to the Lee Court. A copy of the decision in In re Lee is enclosed for convenience. In light of this decision, Applicants respectfully request the Office not to use the present specification to find motivation that is not present in any of the disparate disclosures of the references discussed herein.

Lerman discloses, at best, a temporary post-operative stump sock for amputee (see Abstract). More specifically, the stump sock disclosed by Lerman has a five-layer structure including a base layer, a first layer of a soft, flexible, porous material overlying the base layer,

and a protective second layer of flexible fabric overlying the base layer (see column 2, lines 14-22). Further, the sock disclosed by Lerman clearly requires an adhesive between the base layer and the first layer of soft, flexible, porous material and an adhesive between the base layer and the second layer of a flexible fabric overlying the base layer (see column 2, lines 40-49, Figures 4 and 7, and column 4, lines 9-36). Accordingly, Lerman teaches that there is no direct coating of the first and second layers onto the base layer and that the first layer of the five-layer structure is porous.

SU'990 discloses, at best, a structure containing cushions 2 and 3 which are impregnated into fabric layer 1 (see page 7, lines 22-23). Although the Office contends that impregnation does not occur, the reference clearly states that "Due to the vulcanization of the foamed low-molecular grafted polysiloxane, the fabric layers of the framework are joined by a single layer of elastomer, which holds them together as a result of the thorough impregnation." Accordingly, the Office has mischaracterized the invention according to SU'990. Even if the Office maintains its misinterpretation of the SU'990's disclosure, SU'990 clearly teaches the liner disclosed therein contains porous cushions 2 and 3 by stating that the liner contains a "cushion at the distal part of the liner and the additional cushions being made of porous vulcanizate" (See page 8, last paragraph). Clearly, there is a teaching away of a direct seamless contact between fabric and polymeric material found in SU'990.

In direct contrast to all of the above references, Claim 75 has been amended to require that the cushion liner covering is coated seamlessly only on the inside thereof with nonporous polymeric material. Claim 92 is directed to the cushion liner covering is coated seamlessly only on the inside thereof with nonporous polymeric cushioning material and that has a thickness profile such that the polymeric cushioning material is thicker at a closed end of the covering than at an open end. These embodiments of the present invention are clearly not

described in the cited prior art. In fact, in light of the above, all of the references clearly teach away from coating the claimed fabric with the claimed nonporous polymeric material.

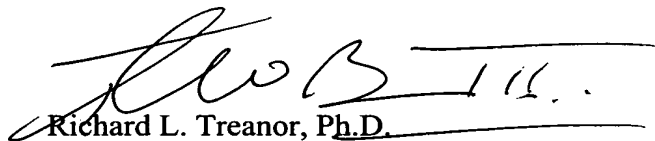
Moreover, all of the cited reference teach away from directly contacting the fabric with the claimed polymeric material by disclosing that an adhesive must be provided therebetween.

In light of the above, no combination of the references relied upon by the Office in the Outstanding Office Action, nor any of these references alone, disclose or suggest the claimed invention. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested. Should anything further be required to place the application in condition for allowance, the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Richard L. Treanor, Ph.D.  
Attorney of Record  
Registration No. 36,379

Thomas W. Barnes III, Ph.D.  
Registration No. 52,595



**22850**

(703) 413-3000/Fax #: (703) 413-2220  
RLT/TWB  
I:\atty\Twb\2003\04-03\3295-0024-AM-b.WPD

MARKED-UP COPY OF AMENDED AND NEW CLAIMS  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE CLAIMS

--75. (Thrice Amended) A cushion liner for enclosing an amputation stump, said liner comprising a fabric stump covering having an open end for introduction of said stump and a closed end opposite said open end, said fabric coated seamlessly on only the inside thereof with nonporous polymeric cushioning material, wherein said polymeric cushioning material optionally has a thickness profile such that the polymeric cushioning material is thicker at a closed end of the covering than at an open end.

92. (Amended) A cushion liner for enclosing an amputation stump, said liner comprising a fabric stump covering having an open end for introduction of said stump and a closed end opposite said open end, said fabric coated seamlessly on only the inside thereof with nonporous polymeric cushioning material, wherein said polymeric cushioning material has a thickness profile such that the polymeric cushioning material is thicker at a closed end of the covering than at an open end.--

--Claim 97 is cancelled.--

--Claims 106-121 are newly added.--